Application Serial No.: 09/910,289

Attorney Docket No.: 01CON213P

**REMARKS** 

This is in response to the *Non-Final Office Action of October 3*, 2005, where the

Examiner has rejected claims 1-6, 8-18, 20, 21 and 23. Reconsideration and allowance of

outstanding claims 1-6, 8-18, 20, 21 and 23 in view of the following remarks are

requested.

A. Rejection of Claims 1-6, 8-11, 15-18, 20-21 and 23 under 35 USC

§103(a)

The Examiner has rejected claims 1-6, 8-11, 15-18, 20-21 and 23, under 35 USC.

§103(a), as being unpatentable over Beale, et al. (US Publication No. 2003/0048839)

("Beale").

Applicant hereby swears behind the effective filing date of Beale, i.e. April 30,

2001, under 37 C.F.R. § 1.131. Under 37 C.F.R. § 1.131, the owner of the claimed

invention may submit an appropriate declaration to overcome a reference. The showing

of facts shall be such as to establish reduction to practice prior to the effective date of the

reference, or conception of the invention prior to the effective date of the reference

coupled with due diligence from prior to the effective date of the reference to a

subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131.

Applicant respectfully submits that claims 1-6, 8-11, 15-18, 20-21 and 23 are allowable

over Beale based on the following remarks.

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Pursuant to 37 C.F.R. § 1.131, attached is a declaration from Joseph H. Lee, the

Chief IP Counsel at Conexant Systems, Inc., which is the owner of the above-referenced

patent application, including a copy of an Innovation Disclosure. (Decl. ¶ 1.) The

Innovation Disclosure describes the invention of the above-described patent application

in Conexant Docket No. 01CXT0189C, entitled "Method for Dual Symbol Rate Burst

Equalizer Training", which was entered into the Conexant Innovation Disclosure

Database, on February 28, 2001. (Decl. ¶ 3.)

The Examiner will note that the last page of the enclosed Innovation Disclosure

clearly shows that the Innovation Disclosure was entered into the Innovation Disclosure

Database, on February 28, 2001, which predates the effective filing date of Beale, i.e.

April 30, 2001. Applicant respectfully submits that the Innovation Disclosure evidences

that the inventors conceived and were in possession of the presently claimed subject

matter on February 28, 2001. For example, the Innovation Disclosure reads: "The

fundamental ideas are inserting zero decisions between the 2 Msps symbols to get 4Msps

data and using a different main tap for 2 Msps data and 4 Msps data."

Further, the Innovation Disclosure and also the filing date of the above-referenced

patent application in the USPTO, i.e. July 19, 2001, evidence that the invention of the

above-referenced application was reduced to practice in the United States using due

diligence after conception. (Decl. ¶ 4.)

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Accordingly, applicant respectfully requests that the rejection of claims 1-6, 8-11, 15-18, 20-21 and 23, as being unpatentable over Beale, under 35 U.S.C. § 103(a), be withdrawn.

## B. Rejection of Claims 12-14 under 35 USC §103(a)

The Examiner has rejected claims 12-14, under 35 USC §103(a), as being unpatentable over Beale in view of Sommer, et al. (US Patent No. 6,240,133) ("Sommer").

Applicant respectfully submits that claims 12-14 depend from claim 8, and should be allowed at least for the same reasons stated above in conjunction with patentability of claim 8.

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## C. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-6, 8-18, 20, 21 and 23 pending in the present application is respectfully requested.

Respectfully Submitted, FARJAMI & FARJAMI LLP

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CERTIFICATE OF FACSIMILE TRANSMISSION

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I hereby certify that this correspondence is being filed by facsimile transmission to United States Patent and Trademark Office at facsimile number (571) 273-8300, on the date stated below.

12/21/05

Christma Carter